

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

* * * * *

Subpart P—Indiana

§ 272.750 State authorization.

(a) The State of Indiana is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.*, subject to the Hazardous and solid Waste Amendments of 1984 (HSWA), (Pub. L. 98-616, Nov. 8, 1984), 42 U.S.C. 6926(c) and (g)). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's base program and revisions to that program, as administered initially by the Indiana State Board of Health and later by the Indiana Department of Environmental Management, were approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval of Indiana's base program was effective on January 31, 1986. EPA's approval of revisions to Indiana's base program were effective on December 31, 1986, and January 19, 1988.

(b) Indiana is not authorized to implement any HSWA requirements in lieu of EPA unless EPA has explicitly indicated its intent to allow such action in a FEDERAL REGISTER notice granting Indiana authorization.

(c) Indiana has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Indiana must revise its approved program to adopt new changes to the Federal subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Indiana must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Indiana obtains final authorization for the revised requirements pursuant to section 3006(b), the newly authorized provisions will be listed in § 272.751 of this subpart. If Indiana obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.752.

[54 FR 34990, Aug. 23, 1989]

§ 272.751 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Indiana has final authorization for the following elements submitted to EPA in Indiana's base program and base program revision applications for final authorization and approved by EPA effective on January 31, 1986, December 31, 1986, and January 19, 1988.

(a) *State Regulations.* (1) The following Indiana regulations are incorporated by reference and codified as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*: Indiana Administrative Code, title 320, articles 4.1-1-3 through 4.1-37-4, 4.1-37-6 through 4.1-39-12, and 4.1-40-1 through 4.1-54-8 (1987 Cumulative Supplement, Volume 2, as supplemented by Indiana Register, Volume 10, Number 8, pages 1563-1690, May 1, 1987). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Copies of the Indiana regulations that are incorporated by reference in this paragraph are available for the Indiana Legislative Services Agency, Administrative Code and Register Division, 302 State House, Indianapolis, Indiana 46204.

(2) The following statutes and regulations concerning State enforcement, although not codified herein, are part of the authorized State program:

(i) Indiana Code, title 4, article 21.5, chapters 1 through 4; title 13, article 6, chapter 1, section 6; and title 13, article 7, chapters 1 through 7, 8.5, 10 through 13 (except for chapter 13, Section 2(a)), and 16 (effective July 1, 1987).

(ii) Indiana Administrative Code, title 320, articles 4.1-1-1, 4.1-1-2, 4.1-37-5, and 4.1-39-13 through 4.1-39-21 (1987 Cumulative Supplement, Volume 2, as supplemented by Indiana Register, Volume 10, Number 8, pages 1563-1690, May 1, 1987).

(3) The following statutory provisions of the Indiana Code are broader in scope than the Federal program, are not part of the authorized program, and are not codified herein for enforcement purposes: Indiana Code, title 13, article 7, chapter 8.7 and chapter 13, section 2(a) (effective July 1, 1987).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region V and the Indiana Department of Environmental Management, signed by the EPA Regional Administrator on July 18, 1986, is codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statements of Legal Authority.* The Indiana Attorney General's Statements for final authorization signed by the Attorney General of Indiana on June 28, 1985, August 26, 1986, and June 1, 1987,

§ 272.751

are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* Program Descriptions dated August 5, 1985, April 24, 1986, and June 29, 1987, and any other materials submitted as part of, or as supplements to, the original application or revision applications are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(e) *Letter from State Health Commissioner.* The letter from the State Health Commissioner, Indiana

Board of Health to the Regional Administrator, EPA Region V dated November 4, 1985, as an addendum to the Indiana Final Authorization Application, is codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 34990, Aug. 23, 1989]

§§ 272.752—272.799 [Reserved]

* * * * *